IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 13589 of 2002

Between:

G. Satyanarayana Murthy,

S/o.Surya Rao, aged 49 years

R/o.Unduru, Samarlakota Mandal

E.G.Didstrict

.. Petitioner

AND

1. The Commissioner for Cooperation and Registrar

Of Cooperative Societies, Government of A.P.,

Hyderabad

2 The District Cooperative Officer,

Kakinada, E.G. District

3 The Divisional Cooperative Officer,

Peddapuram, E.G. District

4 The Unduru P.A.C.S., Unduru

Samarlakota Mandal, E.G. District

Rep. By its Chairman/Persons-in-charge committee

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the 2nd respondent in issuing impugned proceedings Rc.No.7028/99A, dated 28.2.2002 and consequential proceedings issued by the 4th respondent in issuing proceedings dated 18.4.2002 straightaway terminating the petitioner from service without any notice and opportunity as highly illegal, arbitrary and violative of Art.14 of the Constitution of India apart from contrary to the provisions of A.P.C.S. Act and consequently set aside the same.

Counsel for the Petitioner: MR.G.V.SHIVAJI

Counsel for the Respondent Nos.1 to 3: G.P. for Cooperation

Counsel for the Respondent No.4: Mr.Abhinand Kumar

The Court made the following :

ORAL ORDER:

The learned counsel for the respondents has contended that the subject matter of the writ petition is squarely covered by the judgment of this Court in W.P.No.3171 of 2003 and batch, dated 30.8.2004 wherein, it is held that the as long as the instructions issued by the District Cooperative Officer are in conformity with the mandatory provisions of the Section 116-C(1) of the A.P. Co-operative Societies Act, 1964 read with rules 28 and 36-B of A.P. Co-operative Societies Rules, 1964, the said circular instructions cannot be interfered with.

In the instant case, the 4th respondent-Primary Agricultural Cooperative Society removed the services of the petitioner on the ground that he is in excess of the required staffing pattern. I have also taken a view that against the removal orders of the Primary Agricultural Co-operative Society, the writ petitions are not maintainable.

For the reasons stated in the judgment passed by this Court in W.P.No.3171 of 2003 and batch, dated 30.8.2004, this writ petition is dismissed with a liberty to the petitioner to approach appropriate authorities. No order as to costs.

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(V.ESWARAIAH, J.)

1st October, 2004.

bcj

To

1. The Commissioner for Cooperation and Registrar

Of Cooperative Societies, Government of A.P.,

Hyderabad

2 The District Cooperative Officer,

Kakinada, E.G. District

3 The Divisional Cooperative Officer,

Peddapuram, E.G. District

4 The Chairman/Person-in-charge Committee,

The Unduru P.A.C.S., Unduru

Samarlakota Mandal, E.G. District

5 Two C.Cs. to the Government Pleader for Cooperation, High Court Buildings, Hyderabad (OUT)

6 Two C.D. copies